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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DAMION BROMFIELD,

12 Plaintiff,

13 v.

14 CHARLES MCBURNEY, *et al*,

15 Defendants.
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Case No. C07-5226RBL-KLS

ORDER DIRECTING
DEFENDANTS TO FILE
ANSWER

17 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §
18 636(b)(1), Local Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is
19 before the Court on the failure of defendants Michael Melendez and Jack Bennett to file an answer after
20 their motion to dismiss the claims against them contained in plaintiff's complaint was denied. After
21 reviewing the record, the Court finds and orders as follows:

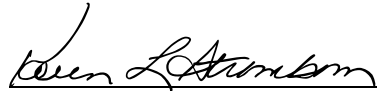
22 On September 2, 2008, the undersigned issued a report and recommendation, recommending that
23 defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 12(b)(6)
24 (Dkt. #32) be denied. (Dkt. #40). The Court adopted the report and recommendation on September 26,
25 2008. (Dkt. #42). If a motion to dismiss is denied by the Court, "the responsive pleading must be served
26 within 10 days after notice" of the Court's action. Fed. R. Civ. P. 12(a)(4)(A).

27 Because the Court adopted the undersigned's report and recommendation denying the motion to
28 dismiss on September 26, 2008, defendants's answer was due on October 6, 2008. More than a month

1 has passed since that date, however, and defendants still have not filed a responsive pleading.
2 Accordingly, defendants' answer is now overdue. As such, defendants shall file an answer to plaintiff's
3 complaint by **no later than December 1, 2008**, or show cause why the Court should not grant any motion
4 for default brought by plaintiff as a result of defendants' failure to do so.

5 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

6 DATED this 3rd day of November, 2008.

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10 Karen L. Strombom
11 United States Magistrate Judge
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